

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING
OCT 19 2010
Stephan Harris, Clerk
Cheyenne

United States District Court
For The District of Wyoming

HOWARD WILLIS,

Plaintiff,

vs.

NATIONWIDE ADVANTAGE
MORTGAGE,

Defendant.

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Civil No. 10-CV-173-D

ORDER GRANTING DEFENDANT'S MOTION FOR A MORE DEFINITE STATEMENT

The above-entitled matter has come before the Court on *Defendant's Motion for a More Definite Statement* [Doc. 3]. The Court, having carefully considered the motion, plaintiff's *More Definite Statement*, and reply, and being fully advised in the premises, FINDS:

On August 23, 2010, *pro se* plaintiff Howard Willis initiated this action against Nationwide Advantage by filing an *Original Petition*, or Complaint, with the Court. Plaintiff's Complaint consists of twenty-four pages of text. Defendant complains plaintiff's Complaint fails to comply with Federal Rule of Civil Procedure 10(b)'s pleading requirements of numbered paragraphs, which make it very difficult to prepare a responsive pleading. On September 22, 2010, plaintiff filed a *More Definite Statement* in a apparent response to defendant's motion. However, plaintiff's *Statement* also lacks numbered paragraphs.

Federal Rule of Civil Procedure 10(b) specifically instructs each party to:

state its claims or defenses in numbered paragraphs, each limited as far as practicable to

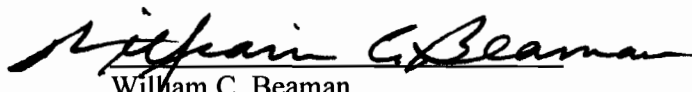
a single set of circumstances. A later pleading may refer by number to a paragraph in an earlier pleading. If doing so would promote clarity, each claim founded on a separate transaction or occurrence – and each defense other than a denial – must be stated in a separate count or defense.

The purpose of Rule 10(b) is to ensure that defendants and the Court understand plaintiff's claims and whether they are valid so that the allegations might easily be referenced in subsequent pleadings. *See O'Donnell v. Elgin, Joliet & E. Ry. Co.*, 338 U.S. 384, 392 & n. 6, (1949). Therefore, plaintiff shall file an amended Complaint which fully complies with the above-stated rule. Plaintiff shall file his amended Complaint on or before November 1, 2010.

The Court notes that because plaintiff appears *pro se*, the Court must “review [his] pleadings and other papers liberally and hold them to a less stringent standard than those drafted by attorneys.” *Trackwell v. United States*, 472 F.3d 1242, 1243 (10th Cir.2007) (citations omitted). Nevertheless, plaintiff is cautioned to obtain copies of and carefully follow the Federal Rules of Civil Procedure and the Local Rules of this Court throughout the duration of this action.

NOW, THEREFORE, IT IS ORDERED that *Defendant's Motion for a More Definite Statement* be, and the same is hereby, GRANTED. Plaintiff shall file an amended Complaint which fully complies with Federal Rule of Civil Procedure 10(b) on or before November 1, 2010.

Dated this 18th day of October, 2010.


William C. Beaman
United States Magistrate Judge